

COURT OF APPEAL FOR ONTARIO

CITATION: Palichuk v. Palichuk, 2023 ONCA 309

DATE: 20230501

DOCKET: C70118

Doherty, Feldman and Trotter JJ.A.

BETWEEN

Linda Palichuk

Applicant (Appellant)

Nina Palichuk, Susan Palichuk and Public Guardian and Trustee

Respondents (Respondents)

AND BETWEEN

Nina Palichuk

Applicant (Respondent)

and

Linda Palichuk, Susan Palichuk and BMO Nesbitt Burns

Respondents (Appellant)

Joseph Figliomeni and Quinn Giordano, for Linda Palichuk

Jonah Waxman and Julia Chumak, for Susan Palichuk

M. Jasmine Sweatman, for Nina Palichuk

Heard: November 16, 2022

On appeal from the orders of Justice Roger Chown of the Superior Court of Justice, dated November 9, 2021, with reasons at 2021 ONSC 7393, and from the costs order dated December 7, 2021, with reasons at 2021 ONSC 8051.

COSTS ENDORSEMENT

[1] Judgment in this appeal was released on February 23, 2023. We have now received and reviewed the parties' costs submissions.

[2] The respondents were entirely successful on the numerous issues raised by the appellant, including an application for leave to appeal the costs order made in the Superior Court. In the face of an expert report finding Nina Palichuk to be capable, and without tendering her own report, the respondent persisted with her claim that Nina Palichuk was incapable and sought a guardianship order. The respondent was entirely unsuccessful on the motion, and again on appeal. Leave to appeal the costs order was also denied.

[3] After reviewing the submissions and the Bills of Costs submitted by all parties, and having considered the factors in r. 57.01 of the *Rules of Civil Procedure*, R.R.O., Reg. 194, we order costs payable to each respondent in the amount of \$15,000, inclusive of disbursements and HST. We make no order regarding enforcement.

"Doherty J.A."
"K. Feldman J.A."
"Gary Trotter J.A."